

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PHILLIPS 66 COMPANY,

Plaintiff,

-against-

TNT PETROLEUM, INC., *et al.*

Defendants.

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CORRECTED¹

ORDER ADOPTING R & R

Civil Action No. 15-5938(DRH)(SIL)

HURLEY, Senior District Judge:

Presently before the Court is the Report and Recommendation, dated February 2, 2017, of Magistrate Judge Steven I. Locke recommending that the motion of plaintiff Phillips 66 Company (“plaintiff”) for a default judgment against defendants TNT Petroleum, Inc., Tamer Azaz, Paradise Petroleum Realty Corp., and Reese@419, Inc. (collectively “defendants”) be granted and judgment be entered in favor of plaintiff and against defendants, jointly and severally, awarding plaintiff compensatory damages in the amount of \$580,479.03 plus prejudgment interest in the amount of \$50,972.32 through February 2, 2017, and from that date until judgment is entered at the rate of \$79.52 per diem, attorneys’ fees in the amount of \$25,276.30, and costs in the amount of \$1,935.01. More than fourteen days have elapsed since service of the Report and Recommendation and no objections have been filed.

¹ This Corrected Order Adopting R & R is being entered to reflect the amount of prejudgment interest Magistrate Judge Locke recommended be awarded in his February 2, 2017 Report and Recommendation (*see* ECF No. 21), *to wit*, \$50,972.32, and *not* the \$25,276.30 amount stated by this Court in its original, February 27, 2017 Order Adopting R & R. (*See* ECF No. 26.) In all other respects, this Corrected Order is the same as the Court’s February 27, 2017 Order.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. The Court adopts the February 2, 2017 Report and Recommendation of Judge Locke as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that judgment be entered in favor of plaintiff and against defendants, jointly and severally, awarding plaintiff compensatory damages in the amount of \$580,479.03 plus prejudgment interest in the amount of \$50,972.32 through February 2, 2017, and from that date until judgment is entered at the rate of \$79.52 per diem, attorneys' fees in the amount of \$25,276.30, and costs in the amount of \$1,935.01. Post judgment interest shall accrued in accordance with 28 U.S.C. § 1961.

Dated: Central Islip, N.Y.
March 2, 2017

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge